

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

TAHTIANA JADE BROWN,

Plaintiff,

v.

LUCIDWORKS, et al.,

Defendants.

No. 2:25-cv-0607-DC-CKD (PS)

ORDER

Plaintiff Tahtiana Brown filed a complaint for damages on February 21, 2025. (ECF No. 1.) On April 25, 2025, defendant California Workers Compensation Appeals Board filed a motion to dismiss under Rule 12(b)(6) of the Federal Rules of Civil Procedure. (ECF No. 28.) Plaintiff did not file a timely opposition to the motion to dismiss. See Local Rule 230(c).

Plaintiff's failure to timely file an opposition or statement of non-opposition to the motion to dismiss violates Local Rule 230(c). The court will provide plaintiff with a further opportunity to respond to the pending motion within 14 days after service of this order. Plaintiff is cautioned that any further failure to respond will be construed as a non-opposition to the motion which would also constitute grounds for dismissal of the claims against California Workers Compensation Appeals Board.

Local Rule 230(c) states “[n]o party will be entitled to be heard in opposition to a motion at oral arguments if opposition to the motion has not been timely filed by that party....” Plaintiff’s

1 failure to timely file the opposition has delayed the briefing schedule, and, accordingly, the
2 hearing set for June 11, 2025, on defendant Workers Compensation Appeals Board's motion to
3 dismiss is vacated. After the conclusion of briefing, the motion will be submitted for decision on
4 the record and written briefing. If the court subsequently determines that oral argument would be
5 beneficial for consideration of the motion, the parties will be notified accordingly.

6 In accordance with the above, IT IS ORDERED as follows:

- 7 1. The hearing on the motion to dismiss filed by defendant Workers Compensation
8 Appeals Board, set to take place on June 11, 2025, is VACATED; however, the
9 hearing on the motion to dismiss filed by defendants Lucidworks, Inc., Kyle
10 Hammett, Natalia Pascuzzi, Julianne Kirby, and Mike Sinoway (ECF No. 19) in
11 this case is not vacated and remains set for June 11, 2025.
- 12 2. Plaintiff shall file a written opposition (or a statement of non-opposition) to the
13 motion to dismiss filed by defendant Workers Compensation Appeals Board
14 within 14 days after service of this order. Failure to do so will be deemed a
15 statement of non-opposition and consent to the granting of the motion and may
16 also constitute a ground for the imposition of appropriate sanctions, including a
17 recommendation that plaintiff's claims against the moving defendant be
18 involuntarily dismissed with prejudice pursuant to Federal Rule of Civil Procedure
19 41(b).
- 20 3. Defendant Workers Compensation Appeals Board may file a written reply to any
21 opposition filed by plaintiff within 10 days of plaintiff's filing. The court will take
22 the pending motions under submission upon conclusion of this briefing schedule.

23 Dated: May 23, 2025


24 CAROLYN K. DELANEY
25 UNITED STATES MAGISTRATE JUDGE

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